

The below described is **SIGNED**.

Dated: December 2, 2013



JOEL T. MARKER
U.S. Bankruptcy Judge



Arnold Richer - 2751
Patrick F. Holden - 6247
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Attorneys for World Botanical Gardens, Inc.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

In re: WALTER L. WAGNER, Debtor.	Bankruptcy Case No. 12-35494 Chapter 7 Honorable Joel T. Marker
WORLD BOTANICAL GARDENS, INC., Plaintiff, v. WALTER L. WAGNER, Defendant.	FINAL JUDGMENT IN FAVOR OF PLAINTIFF WORLD BOTANICAL GARDENS, INC. Adversary Proceeding No. 13-02099 (Filed via ECF)

Plaintiff's Motion for Summary Judgment came before the Court on November 13, 2013 at 2:00 p.m. before the Honorable Joel T. Marker, on Plaintiff World Botanical Gardens, Inc.'s Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure as made

applicable by Local Rule 7056-1. Plaintiff was represented by Patrick F. Holden. Defendant Walter L. Wagner appeared Pro Se on his own behalf.

The Court, having considered Plaintiff's Motion for Summary Judgment [Docket No. 52] and Plaintiff's Memorandum in Support of Motion for Summary Judgment [Docket No. 53] and having further considered the Defendant's Affidavit of Walter L. Wagner (Responding to September 24, 3013 Filing) [Docket No. 58] together with the oral arguments by the parties, and the Court having entered its findings of fact and conclusions of law on the record, and with good cause appearing, the Court grants summary judgment in favor of Plaintiff World Botanical Gardens, Inc. and against Defendant Walter L. Wagner. This Court hereby enters Judgment as follows:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

The debt owed to World Botanical Gardens, Inc. under that certain *First Amended Final Judgment* from the Third Circuit Court of Hawaii Civil No. 05-1-0210, Judge Greg K. Nakamura dated September 28, 2009, together with the additional but not duplicated debt owed to World Botanical Gardens, Inc. under the *Findings of Fact, Conclusions of Law, Order of Permanent Injunction, and Judgment* from the Second Judicial Court of Nevada, Civil No. CV05-02079, Judge Brent Adams dated October 2, 2006 is determined to be nondischargeable as to Defendant Walter L. Wagner in the total amount of **\$2,257,050.96**, more specifically set forth as follows:

Hawaii Court Judgment

1. \$351,520.00 for that portion of the Judgment for Defendant Walter Wagner's actual fraud pursuant to 11 U.S.C. § 523(a)(2) and (19);
2. \$392,793.90 for that portion of the Judgment for Defendant Walter Wagner's embezzlement of Plaintiff World Botanical Gardens, Inc.'s funds pursuant to 11 U.S.C. § 523(a)(4);

3. \$1,000,000.00 for that portion of the Judgment for Defendant Walter Wagner's willful and malicious injury to the property of Plaintiff World Botanical Gardens, Inc. pursuant to 11 U.S.C. § 523(a)(6);
4. \$500,000.00 for that portion of the Judgment for Defendant Walter Wagner's willful and malicious injury to the property of Plaintiff World Botanical Gardens, Inc. pursuant to 11 U.S.C. § 523(a)(6);

Nevada Court Judgment

5. \$12,737.06 for the entire amount of the aforementioned Judgment for Defendant Walter Wagner's willful and malicious injury to the property of Plaintiff World Botanical Gardens, Inc. pursuant to 11 U.S.C. § 523(a)(6).

DATED this ____ day of November, 2013.

BY THE COURT:

HONORABLE JOEL T. MARKER
U.S. Bankruptcy Court Judge

COURT CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of November, 2013, I caused a true and correct copy of the foregoing to be served upon the following parties by placing the same in the United States mail, postage prepaid, and addressed as follows:

Walter L. Wagner, Pro Se
532 North 700 East
Payson, UT 84651

Arnold Richer
Attorney for World Botanical Gardens, Inc.
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